



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF: Barry, et al.

SERIAL NO: 09/841,413

GROUP ART UNIT: 3738

FILED: April 24, 2001

EXAMINER: Barrett

## FOR: Joint Repair Using Mesenchymal Stem Cells

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## TECHNOLOGY CENTER R3700

SIR:

Pursuant to 37 C.F.R. §1.56(a), Applicant(s) hereby cite(s) the enclosed documents listed on the attached copy of Form PTO-1449 which are believed to be material to the patentability of the above-identified application.

This Information Disclosure Statement is filed in accordance with the paragraph of 37 CFR §1.97 indicated below:

§1.97(b) This Information Disclosure Statement is filed:

- (1) Within three months of the filing date of a national application; OR
- (2) Within three months of the date of entry of the national stage of an international application; OR
- (3) Before the mailing of a first Office Action on the merits.  
No fee or statement is required.

X §1.97(c) This Information Disclosure Statement is filed after the period specified in paragraph (b) above, but before the mailing date of either:

(1) A Final Action or under 37 CFR §1.113; OR  
(2) A Notice of Allowance under 37 CFR §1.311; AND

is accompanied by either: (check one)

The statement as specified in 37 CFR §1.97(e) set out below;

OR

X The fee of \$180.00 under 37 CFR §1.17(p).

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§1.97(d) This Information Disclosure Statement is filed after the mailing date of either:

- (1) a Final Action or under 37 CFR §1.113; OR
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BUT filed on or before payment of the Issue Fee; AND

is accompanied by:

- (1) The statement as specified in 37 CFR §1.97(e) as set forth below; AND
- (2) Petition is hereby made under 37 CFR §1.97(d) for consideration of this Information Disclosure Statement; AND,

- (3) The petition fee of \$180.00 set out in 37 CFR §1.17(i).

§1.97(e) The undersigned Attorney hereby states that:

each item of information contained in this Information Disclosure Statement was cited in a first communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement;

or

no item of information contained in this Information Disclosure Statement was cited in a first communication from a foreign patent office in a counterpart foreign application, or to the knowledge of the undersigned Attorney after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

The Commissioner is authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

**FIRST CLASS CERTIFICATE**

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, DC 20231

*Raymond J. Lillie* /10/03  
Raymond J. Lillie, Esq. Date

Respectfully submitted,

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